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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,004	10/24/2001	Joseph S. Lombardo	1557-SPL	5936

7590

11/28/2006

Francis A Cooch
The Johns Hopkins University
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Laurel, MD 20723-6099

EXAMINER

LE, LINH GIANG

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,004

Applicant(s)

LOMBARDO ET AL.

Examiner

Linh-Giang Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 9/05/06.

Claims 1 and 12 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinsky et al. (5,469,353) in view of Henderson (5,897,648), Peltz (6,205,716) and Ellis (US 2005/0180095 A1).

4. As per claim 1, Pinsky discloses a real-time interactive collaboration for radiation therapy treatment involving multiple participants using multiple treatment planning stations, comprising the steps of (Pinsky; Abstract):

- a. Establishing one of said treatment planning stations as a session controller, and launching treatment planning software thereon (Pinsky; Col. 11, lines 35-40);

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- b. Establishing a communication connection between said session controller and launching treatment planning software thereon (Pinsky; Col. 5, lines 55-66);
- c. Displaying, on all participating treatment planning stations, treatment plan information being displayed on said session controller treatment planning station (Pinsky; Col. 6, lines 24-33).
- d. Designating one of said treatment planning stations as an active controller, said active controller controlling manipulation of said treatment planning information (Pinsky; Col. 2; lines 6-20).

Wherein said active control of said treatment planning station is regulated by said session controller treatment planning station (Pinsky; Col. 2, lines 6-20).

- 2. Pinsky further teaches generation of an active-control request by a treatment planning station (Pinsky; Col. 2, lines 6-20) and processing of said active-control request by said session controller treatment planning station (Pinsky; Col. 2; lines 6-20).
- 3. However, Pinsky fails to disclose authorizing or denying said active-control request by said session controller treatment planning station, wherein if said active-control request is granted, said treatment planning station generating said active-control request is given active control of said treatment planning station, and if said active-control request is denied, said treatment planning station

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generating said active-control request is denied active-control of said treatment planning session. However, this feature is well known in the art as evidenced by Henderson. In particular, Henderson teaches passing editing controls to various locations (Henderson; Col. 11, lines 57-67). It would have been obvious to one of ordinary skill in the art to add the feature of authorizing or denying an active-control request to the method disclosed in Pinsky in order to give one particular editing location the ability to control electronic documents at all locations (Henderson; Col. 11, lines 57-67). One skilled in the art could infer that passing around control would include authorizing or denying an active-control request.

4. Pinsky further teaches at least two of said treatment planning stations located in geographically diverse locations (Pinsky; Col. 1, lines 6-12).

5. Pinsky teaches conference calling capabilities but fails to expressly disclose each of said treatment planning station to include video conferencing capability, and further comprising the step of transmitting 3-D video and audio signals using said video conferencing capability of said treatment planning stations so that participants to said treatment planning session can see and hear the other participants in the session while the session is in progress. However, this feature is well known in the art as evidenced by Peltz. In particular, Peltz discloses a video conferencing enclosure for conducting medical matters (Peltz; Abstract). It would have been obvious to one skilled in the art to add the video conferencing feature taught by Peltz to the method disclosed in Pinsky with the

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motivation of providing an interactive electronic means for healthcare professionals to train and educate (Peltz; Col. 1, line 65 to Col. 2, line 4).

6. Pinsky discloses said treatment planning session is for planning radiation therapy and said participants in said treatment planning session include at least a dosimetrist and a radiation oncologist, each located at geographically diverse location (Pinsky; Col.1, lines 28-36).

7. Pinsky discloses said treatment planning stations are coupled to each other via a network connection (Pinsky; Col. 7, lines 31-41).

8. Pinsky discloses said network connection comprising the Internet (Pinsky; Col. 7, lines 31-41).

9. Pinsky, does not expressly disclose said network connection comprising the Next Generation Internet or other high bandwidth connection. However this feature is well known in the art as evidenced by Ellis. In particular Ellis teaches computers utilizing a very large network like the Next Generation Internet (Ellis; Page 3, paragraph 23). It would have been obvious to one skilled in the art to add the Next Generation Internet feature taught by Ellis to the method disclosed in Pinsky with the motivation of having extremely broad band-width connections and virtually unlimited data transmission speed (Pinsky; Page 3, paragraph 23).

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10. Pinsky does not expressly disclose said manipulation of said treatment plan information including at least one of contouring, rotating, or pointing at locations in images being displayed on said treatment planning stations and inputting treatment area and treatment dosage information into said treatment planning software. However, this feature is well known in the art as evidenced by Henderson. In particular, Henderson teaches being able to make edits at remote locations (Henderson; Col. 3, lines 1-22 and Col. 10, line 49 to Col. 11, line 12). It would have been obvious to one skilled in the art to add the editing feature taught by Henderson to the method in Pinsky with the motivation of interacting with a document that will be displayed at multiple locations (Pinsky; col. 3, lines 1-22).

11. Claim 12 repeats the limitations of Claim 1 and the reasons for rejection are incorporated herein.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLe



Primary C. LUKE GILLIGAN
PATENT EXAMINER